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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,702	11/18/2003	Mark Magda	0237.036	5405

23405 7590 07/06/2006

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER

PRICE, CRAIG JAMES

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,702	MAGDA, MARK	
	Examiner	Art Unit	
	Craig Price	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 5 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 7, 2005.

This application contains claims 5 and 12, drawn to an invention nonelected with traverse in the paper filed on September 7, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

2. The correction to the drawings have been approved and the objection is withdrawn, based on the prior office action.

Claim Rejections - 35 USC § 112

3. The rejection to claim 18 has been removed as this claim is cancelled, based on the prior office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 4, 6-11, 13 -17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerdes (US 4,056,121).

Regarding claims 1,8 and 15, Gerdes discloses a check valve, the check valve comprises of a body (1) configured to permit fluid to flow through the body, and includes a flange (2) extending circumferentially around an inner periphery of the body, the flange having an inner surface defining a valve aperture (smallest inside diameter of within the flange width), and a poppet valve (as seen in Figure 1) moveably mounted within the valve aperture, the poppet valve including a longitudinal axis, a head (4'), a continuous annular ring (5') and a plurality of guide legs (8') between the head and the continuous annular ring, the plurality of guide legs extending from the head and through the valve aperture, each of the plurality of guide legs including an outer peripheral surface facing the inner surface of the flange, the outer peripheral surface including a radial first section (8'') and a radial second section (4), wherein the radial second

section is recessed back from the radial first section in relation to the inner surface of the flange, as shown in figure 1.

Regarding claims 2 and 9, Gerdes shows the radial second section of the outer peripheral surface is spaced at a greater distance along the longitudinal axis (the length of 4 is longer than the length of 8") away from the head than the radial first section of the outer peripheral surface (the distance is in length from the head to the second surface and not radially from the longitudinal axis), as seen in Figure 1.

Regarding claims 3 and 10, Gerdes shows outer edges of the radial first and radial second sections of the outer peripheral surfaces are rounded, as seen in Figures 1 and 2.

Regarding claims 4 and 11, Gerdes depicts the radial second section of the outer peripheral surface forms a flow path with the inner surface of the flange to permit debris to pass between the radial second section and the inner surface of the flange while the valve is in an open position, as shown in Figure 1.

Regarding claims 6 and 13, Gerdes shows the radial first section is in close proximity to the inner surface of the flange to aid in guiding the poppet valve in the valve aperture during operation, as seen in Figure1.

Regarding claims 7 and 14, Gerdes depicts the radial first section includes a diameter formed on an arc of a circle having a diameter slightly less than a diameter of the valve aperture, as shown in Figure 1.

Regarding claim 16, Gerdes shows the flow path is defined longitudinally along the guide legs at a distance from the head of the poppet valve, as seen in Figure 1.

Regarding claim 17, Gerdes shows a second section of the outer peripheral surfaces of the guide legs (8") is in close proximity to the inner surface of the flange to aid in guiding the poppet valve during operation, as seen in Figure 1.

Response to Arguments

6. Applicant's amendment overcame previous rejection of record, however further review of art of record reveals that Gerdes anticipates the claims 1 – 4, 6-11, and 13 -17

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM M-R.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP  26 June 2006


ERIC KEASEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700